

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

UNITED STATES

CRIMINAL ACTION NO. 08-00114-02

VERSUS

SEAN SULLIVAN

**JUDGE DEE D. DRELL
MAGISTRATE JUDGE KIRK**

REPORT AND RECOMMENDATION

_____ Before the court is defendant's letter motion to dismiss his attorney, doc. #63, referred to the undersigned by the district judge. Also before the court is defense counsel's oral motion to withdraw as counsel made by him at the hearing on doc. #63 on October 6, 2008.

After hearing the arguments of counsel and the statements made by defendant Sullivan, the court finds that irreconcilable differences exist between Mr. Beck, defense counsel, and Mr. Sullivan. Further the court finds that the circumstances presented here are so extremely unusual (unlike most situations where a defendant is unhappy with his appointed attorney) that Mr. Beck should be allowed to withdraw and a new attorney should be appointed.

Therefore, IT IS RECOMMENDED that Mr. Beck's oral motion to withdraw should be GRANTED and new counsel appointed by the Office of the Public Defender. IT IS FURTHER RECOMMENDED that the defendant's motion, doc. #63, be DENIED AS MOOT.

OBJECTIONS

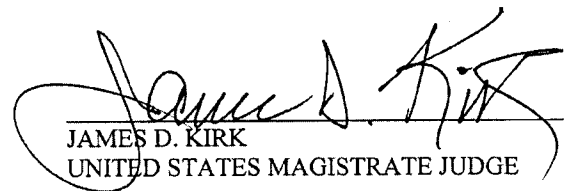
Under the provisions of 28 U.S.C. §636(b)(1)(C) and Fed.R.Civ. Proc. 72 (b), the parties have ten (10) business days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. A courtesy copy of any objection or response or request

for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the District Judge prior to a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

Douglass v. U.S.A.A., 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED in chambers, in Alexandria, Louisiana, this the 6th day of October, 2008.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE